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9 Attorneys for Cross-Defendant
 10 Church of Scientology of California

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 12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 13 FOR THE COUNTY OF LOS ANGELES

14	CHURCH OF SCIENTOLOGY OF	)	CASE NO. C 420,153
15	CALIFORNIA, a California)	
16	Corporation,	)	[Severed Action]
17	Plaintiff,)	
18	v.	)	CROSS-DEFENDANT'S EX PARTE
19	GERALD ARMSTRONG, et al.,	)	APPLICATION FOR AN ORDER
20	Defendants.	)	CONTINUING CROSS-COMPLAINANT'S
21	_____	)	MOTION FOR AN ORDER COMPELLING
22	GERALD ARMSTRONG,	)	PRODUCTION OF DOCUMENTS AND
23	Cross-complainant	)	MOTION FOR PROTECTIVE ORDER;
24	v.	)	DECLARATIONS OF JOHN
25	CHURCH OF SCIENTOLOGY OF	)	PETERSON AND CHARLOTTE I.
26	CALIFORNIA, a California	)	ASHMUN
27	Corporation, et al.,)	
28	Cross-defendants.)	
	_____)	

Date: April 12, 1985
 Time: 9:00 A.M.
 Department: 57

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1 CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA hereby
2 applies for an order continuing Cross-Complainant's Motion to
3 Compel Production of Documents and his Motion for Protective
4 Order currently set for April 15, 1985 in Department 57 at 9:00
5 a.m. This continuance is sought on two grounds.

6 The ongoing testimony of Gerald Armstrong and Howard
7 Schomer in Christofferson v. Church of Scientology, Oregon
8 Circuit Court for the County of Multnomah, Case No. A7704-
9 05184, has encompassed numerous areas relevant to the hearing on
10 the motions pending before this court. As a result of dramatic
11 impeachment evidence, including videotapes and documents in his
12 own handwriting, Armstrong's disguise has been removed and
13 his real character exposed: a liar and manipulator of the
14 judicial system and this court in particular.

15 Armstrong's Motion to Compel is based upon his declaration
16 concerning the alleged "culling" of auditing files by Church
17 members to find information with which to harass former members.
18 Armstrong asserts: "The organization and Hubbard and his agents
19 will use the information from my personal auditing files against
20 me, both in and out of the legal arena." (Declaration of Gerald
21 Armstrong in support of Motion to Compel, page 2, lines 27-28,
22 page 3, line 1). Therefore, a critical issue is the truth or
23 falsity of the assertions contained in his declarations in
24 support of the motions.

25 Armstrong's testimony in the Christofferson case gravely
26 impeaches his credibility as Armstrong admitted, inter alia to
27 the following: (1) committing perjury in two sworn affidavits;
28 (2) participating in a scheme to plant false documents in Church

1 files; and participating in a scheme to overthrow Church
2 leadership to engineer a "global settlement" of the Church
3 litigation with Michael Flynn (See Declaration of John Peterson,
4 attached and Exhibit A). The uncontroverted facts establish
5 that Gerald Armstrong has purposely manipulated the legal system
6 for his own ends unrelated to this litigation. The integrity of
7 the judicial system necessitates this court to draw its own
8 conclusions from a full examination of Armstrong's testimony in
9 Christofferson.

10 Armstrong's Motion for Protective Order is brought to limit
11 the scope of his further depositions. This Court ordered
12 counsel for Cross-Defendant to submit a general outline of the
13 proposed examination of Armstrong. This outline cannot be
14 prepared until Armstrong's testimony in the Christofferson case
15 is reviewed. The Declaration of John Peterson establishes that
16 Armstrong's testimony in Christofferson implicated him both on
17 substantive areas relevant herein and his credibility.

18 Judge Londer, presiding over the Christofferson case has
19 ordered that transcripts of testimony are not immediately
20 available. (See Exhibit B attached hereto). Therefore, Cross-
21 Defendant Church of Scientology of California is unable to
22 obtain transcripts of Mr. Armstrong's and Mr. Schomer's
23 testimony for use at the hearing on April 15, 1985. (See
24 Declaration of John Peterson).

25 Judge Manuel Real of the United States District Court of
26 the Central District of California has ordered Counsel Donald C.
27 Randolph to be present in his courtroom on April 15, 1985 at
28 10:00 a.m. on the case of Miller v. Kevin Flynn, et al., CV81-

1 4275. As the Declaration of Charlotte I. Ashmun attached hereto
2 establishes, Judge Real refused to continue that hearing despite
3 notification that the motions herein were pending for the same
4 date at 9:00 a.m. and were expected to take a part of the
5 morning for determination. Counsel for Cross-Defendant Church
6 of Scientology of California respectfully requests the court to
7 continue this matter so that counsel can appear before Judge
8 Real as ordered.

9 Therefore, Cross-Defendant requests this Court to continue
10 the April 15, 1985 hearing date on the Motion to Compel
11 Production of Documents to May 6, 1985.

12
13 DATED: April 11, 1985

Respectfully submitted,

14 OVERLAND, BERKE, WESLEY, GITS,
15 RANDOLPH & LEVANAS
16 A Professional Corporation

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18 By: Donald C. Randolph
DONALD C. RANDOLPH *Ashmun*

19 Attorneys for Cross-Defendant
20 Church of Scientology of
21 California

DECLARATION OF CHARLOTTE I. ASHMUN

I, CHARLOTTE I. ASHMUN, declare:

1. I am an attorney at law, a member in good standing of the State Bar of California and am one of the attorneys representing Cross-Defendant Church of Scientology of California in this action.

2. Cross-Complainant Gerald Armstrong has noticed a Motion to Compel Production of Documents and a Motion for Protective Order to be heard before Department 57 of this Court on April 15, 1985.

3. On April 11, 1985 at 1:40 p.m., Julia Dragojevic, attorneys for Cross-Complainant Gerald Armstrong returned the telephone message which I left for her at 12:20 p.m. on April 11, 1985.

4. I asked Ms. Dragojevic whether she would agree to continue her Motion to Compel and Motion for Protective Order set for Monday, April 15, 1985 until May 6, 1985. I explained that we were requesting the continuance on two grounds. First, that Donald C. Randolph, counsel for Cross-Defendant Church of Scientology of California had been ordered to appear before Judge Real in the United States District Court on the case of Miller v. Kevin Flynn, et al., CV81-4275 at 10:00 a.m. on Monday, April 15, 1985. Judge Real has refused to set the hearing for another time, even though he was informed that the above described motions were set on the same date at 9:00, and that it was expected that the Armstrong appearance could take longer than one hour. The second ground for the continuance was

1 the development of evidence in the case of Christofferson v. The
2 Church of Scientology, in Portland, Oregon by the testimony of
3 both Howard Schomer and Gerald Armstrong which is relevant to
4 the Motion to Compel and the appropriate scope of the deposition
5 of Gerald Armstrong herein. I explained that the transcripts of
6 the testimony would be unavailable on Monday, April 15, 1985.

7 5. I told Ms. Dragojevic that we believe that a two-week
8 continuation of the hearings would be sufficient, but, however,
9 I am having surgery on April 18, 1985 and will not return to the
10 office until early May, 1985. Therefore we are asking for a
11 continuation until May 6, 1985 to allow for my recuperation and
12 return to the office.

13 6. I further explained to Ms. Dragojevic that the matter
14 had already been off calendar for a number of months and that
15 her client was protected because of this court's order that his
16 deposition cannot be taken until the matter of the Motion to
17 Compel is resolved.

18 7. Ms. Dragojevic responded that she believed that the
19 court could continue the Motion for Protective Order concerning
20 the scope of the deposition without requiring a continuation of
21 the Motion to Compel. I explained that we were hoping to avoid
22 the necessity of two separate hearings.

23 8. Ms. Dragojevic further stated that she believed that
24 the hearing could be completed in forty-five minutes, therefore
25 not interfering with Mr. Randolph's appearance in Federal Court.
26 She concluded by saying that the matter had been pending a long
27 time and that her client was anxious as she is to resolve the

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1 matter. Therefore, she stated that she had to object to the Ex
2 Parte Application.

3 .9. On April 11, 1985 at 4:30 p.m., I telephoned Ms.
4 Dragojevic again and informed her that the Ex Parte Application
5 would be heard in Department 57 at 9:00 a.m. on April 12, 1985.

6 10. On April 11, 1985 at 9:50 p.m. I read the attached
7 Declaration of John G. Peterson over the telephone to Mr.
8 Peterson, who is in Portland, Oregon. Mr. Peterson confirmed
9 that this Declaration attached hereto is accurate. His executed
10 Declaration will be filed under separate cover on Monday,
11 April 15, 1985.

12 Executed this 11th day of April, 1985, in Los Angeles,
13 California.

14 I declare under penalty of perjury that the above is true
15 and correct.

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19 CHARLOTTE I. ASHMUN
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DECLARATION OF JOHN G. PETERSON

I, John G. Peterson, hereby depose and state:

1. I am an attorney licensed to practice law in the State of California. I am counsel for the Church of Scientology of California in the instant case. I am also specially admitted in the Portland, Oregon case of Julie Christofferson-Titchbourne v. Church of Scientology of California, et al. Circuit Court of the County of Multnomah, case #A7704-05184.

2. Currently the transcripts from the Christofferson case proceedings are unavailable as they are limited in distribution by the order of the Oregon court during the duration of the trial. Actions will be undertaken shortly to obtain the release of these transcripts so that they may be presented to this Court. However at this time this important information must be presented to the Court in the form of an affidavit from a direct witness to the proceedings.

3. Gerry Armstrong is a witness in the Christofferson case and I have been present during the last several days of his cross-examination. During the course of this cross-examination several matters have come to light which are of considerable relevance to this case and it is the purpose of this affidavit to bring these matters to the attention of the Court.

4. Gerry Armstrong has directly admitted to committing perjury in at least two sworn affidavits.

5. Gerry Armstrong has admitted his involvement in a scheme to plant false, created documents in Church of Scientology files in order to discredit an investigation by the

1 Church into Michael Flynn and Flynn's involvement in the forgery
2 of a \$2,000,000.00 check written on the account of L. Ron
3 Hubbard.

4 6. Gerry Armstrong has admitted his active participation
5 in a scheme to overthrow the current Church of Scientology
6 leadership in order to install in their place individuals who
7 would engineer a "global settlement" of the Church litigation
8 with Michael Flynn, including Armstrong's \$60,000,000.00
9 counterclaim against the Church. In furtherance of this scheme,
10 Armstrong proposed a program to set up an executive of Author
11 Services Incorporated with a woman and use the resulting upset
12 in the individual's marriage and status as a means to blackmail
13 the individual.

14 7. Gerry Armstrong also admitted that he advised his
15 co-conspirators that a lawsuit could be brought to throw the
16 Church into receivership and that this could be done without
17 supporting evidence but merely by including alarming allegations
18 in the pleading and that such allegations did not need to be
19 backed up by evidence.

20 8. These are only a few of the statements of Armstrong
21 brought out during his cross-examination which are of relevance
22 to this proceeding. Also the above statements are supported by
23 a videotape of Gerry Armstrong admitting to these plans to
24 destroy the Church of Scientology.

25 9. In the case in Oregon, Homer Schomer testified that he
26 had committed perjury in the Armstrong case before Judge
27 Breckenridge. Judge Londer, in Oregon instructed counsel to
28 send a copy of the transcript of this testimony to this Court,

1 despite the fact that the transcripts of the Christofferson case
2 have been sealed by Judge Londer. A copy will be submitted
3 shortly.

4 Sworn to under the pains and penalty of perjury this ____th
5 day of April, 1985.

6 Executed at _____.

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10 John G. Peterson, Esq.

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1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF MULTNOMAH

3 JULIE CHRISTOFFERSON,)

4 Plaintiff,)

No. A7704-05184

5 vs.)

6 CHURCH OF SCIENTOLOGY,)
MISSION OF DAVIS; CHURCH OF)
7 SCIENTOLOGY OF CALIFORNIA;)
and L. RON HUBBARD,)

ORDER RE:
DAILY TRANSCRIPTS

8 Defendants.)
9 _____)

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11 On March 6th, 1985, before voir dire examination of the jury,
12 Defendants' moved that all witnesses be excluded from the courtroom
13 from that point until all testimony had been concluded. The Court
14 so ordered.

15 The Plaintiff, thereafter, in chambers, but on the record,
16 moved orally that the hourly transcripts being produced by the
17 substitute official reporter, William Ellis, not be furnished for
18 review to Defendants or their witnesses, but be retained by the
19 office of Mr. Ted Runstein for review only by trial counsel of
20 record, Mr. Runstein, Mr. Cooley and Mr. Manion, and by other
21 lawyers heretofore regularly employed by the office of Mr. Runstein.

22 Therefore, for reasons of justice and fairness and to attempt
23 to make the order for exclusion of witnesses effective, the Court

24 ORDERS that all transcripts of proceedings before this Court
25 are hereby ordered to be delivered only as follows:

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EXHIBIT B

1. Daily transcripts may be delivered to attorney Mr. Garry McMurry, as counsel for Plaintiff, and that he, Mr. Ron Wade, attorney, and lawyers and para-legals heretofore regularly employed by Mr. McMurry's office may review said transcripts.

2. Daily transcripts may be delivered to attorney Mr. Ted Runstein, as lead counsel for Defendants, and that he, Mr. Earle Cooley, attorney, Mr. Harry Manion, attorney, and lawyers and para-legals heretofore regularly employed by Mr. Runstein's office may review said documents.

3. That said transcripts shall be retained in the respective offices of Mr. McMurry and Mr. Runstein, with the exception that Mr. Cooley and Mr. Manion may review said transcripts at their respective hotel rooms, inasmuch as they are from out of state.

4. That Plaintiff, personally, may review said transcripts at Mr. McMurry's office.

5. That a representative of each corporate Defendant may review said transcripts at Mr. Runstein's office.

6. That none of the above stated persons shall furnish copies, excerpts, quotations from, or communicate the contents thereof, to any prospective witness for either side.

DATED this _____ day of March, 1985, nunc pro tunc
March 5, 1985.

DONALD H. LONDER
Circuit Judge

EXHIBIT B

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing _____ and know its contents.

CHECK APPLICABLE PARAGRAPH

- I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- I am an Officer a partner _____ a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

- I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on _____, 19____, at _____ California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Received copy of document described as _____
on _____ 19____.

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 10951 W. Pico Blvd, Suite 300, Los Angeles, CA 90064

On April 12 1985, I served the foregoing document described as EX PARTE APPLICATION CONTINUING HEARING ON CROSS-COMPLAINANT'S MOTIONS TO COMPEL AND FOR PROTECTIVE ORDER on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Julia Dragojevic
Contos and Bunch
5855 Topanga Canyon Blvd.
Suite 400
Woodland Hills, CA 913667

- (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at _____, California.
Executed on _____, 19____, at _____, California.
- (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
Executed on April 12, 1985, at Los Angeles, California.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Donald C. Randolph
Type or Print Name

Signature